



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,920	10/31/2003	Daniel C. Conrad	US19984054-8	3660

7590

05/08/2006

WHIRLPOOL PATENTS COMPANY - MD 0750

500 Renaissance Drive, Suite 102

St. Joseph, MI 49085

EXAMINER

KHAN, AMINA S

ART UNIT

PAPER NUMBER

1751

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/698,920

Applicant(s)

CONRAD ET AL.

Examiner

Amina Khan

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 14-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-23 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Claims 1-23 are pending. Claims 1-5 and 7-13 have been amended. Claims 14-21 have been withdrawn from consideration. Claims 22 and 23 are new claims.

Applicant's amendments, filed on February 13, 2006, with respect to claims 7,8, and 10-12 are sufficient to overcome the 35 USC 112 rejections of these claims. The rejections have been withdrawn.

Response to Arguments

Applicant's election with traverse of claims 1-13 in the reply filed on February 13, 2006 is acknowledged. The traversal is on the ground(s) that there is no additional burden imposed upon the office in permitting the examination of claims 1-21 as a single group. This is not found persuasive because as cited in the previous office action these inventions are independent or distinct and have acquired a separate status in the art in view of their different classification, with

Group I, claims 1-13, drawn to methods of cleaning, classified in class 8, subclass 137

and Group II, drawn to methods of treating wash liquor and reclaiming waste, classified in class 8, subclass 141.

The requirement is still deemed proper and is therefore made FINAL.

Newly submitted claims 22 and 23 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 22 and 23 are drawn to methods of recovering the working fluid from the wash liquor which is classified in class 8, subclass 141. The recovery methods as claimed would have utility in a different process such as recovering working fluids from different industrial endeavors such as paper mill processing plants.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 22 and 23 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Applicant's arguments, filed on February 13, 2006, with respect to the 35 USC 112 rejection of claims 2 and 4 have been fully considered and are persuasive. The rejection has been withdrawn.

Applicant's arguments, filed on February 13, 2006, with respect to the 35 USC 103(a) rejections of claims 1-5,13 over Flynn in view of Pigors, claims 8,9,11 over Flynn in view of Pigors further in view of Krugmann, and claim 13 over Flynn in view of Pigors further in view of De Pas have been fully considered and are persuasive. The rejections have been withdrawn. New grounds of rejection are recited below.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 1751

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 13 recites "heats the wash liquor composition to a temperature that does not exceed a maximum temperature within about 30°F below the flash point of the working fluid". Claim 13 depends on the working fluid as defined in claim 1. The components of the working fluid are not clearly defined, therefore the flash point of the working fluid cannot be determined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn et al. (US Patent 5,962,390) in view of Dickey (US 3,410,118).

The primary reference of Flynn et al. teaches dry compositions comprising perfluorocarbons, perfluoroethers, siloxanes, hydrofluorocarbons, and surfactants with a hydrophilic-lipophylic balance less than 14. The primary reference further teaches methods of cleaning fabrics comprising contacting fabrics with a cleaning composition comprising an alkoxy-substituted perfluoroalkane, agitating to promote dissolving, dispersing or displacing of soil using any conventional agitation means, removing the

Art Unit: 1751

cleaning composition, rinsing using any conventional dry cleaning solvent (as mentioned above) and air drying with or without added heat. The primary reference further teaches that co-solvents may be chosen such that the resulting composition has no flash point (column 8, line 34 to column 9, line 6; column 10, lines 4-18).

The primary reference is silent as to the step of agitating rotating in opposite directions as instantly claimed.

The secondary reference of Dickey in the analogous art of dry cleaning methods teaches dry cleaning apparatus with baskets which may be selectively rotated in opposite directions (column 3, lines 9-15). It would be obvious to one of ordinary skill in the art at the time the invention was made to modify the primary reference by incorporating the agitation means taught by Dickey because the agitation means taught by Dickey allow for improved mixing of the working fluids and fabrics during dry cleaning. Furthermore, the primary reference invites the inclusion of "any conventional agitation means" (column 8, lines 56-59). The burden is on the applicant to prove otherwise.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn et al. (US Patent 5,962,390) in view of Dickey (US 3,410,118) and further in view of De Pas et al. (US Patent 3,163,028).

The primary references of Flynn and Dickey are relied upon as set forth above. The primary references do not teach methods of decreasing the absolute pressure in the chamber as claimed in claim 6.

The secondary reference of De Pas et al., in the analogous art of dry cleaning, teaches methods of extraction and drying where solvent and solvent vapors are pulled from clothes by a vacuum nozzle controlled by a vacuum blower (column 4, lines 6-8). It would be obvious to one of ordinary skill in the art at the time the invention was made to modify the primary references by incorporating the vacuum blower taught by the secondary reference because De Pas teaches the use of vacuum blowers for the efficient and controlled removal of solvent and solvent vapors from clothes during dry cleaning. The burden is on the applicant to prove otherwise.

Claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn et al. (US Patent 5,962,390) in view of Dickey (US 3,410,118) and further in view of Tatch et al. (US 5,431,827).

The primary references of Flynn and Dickey are relied upon as set forth above. The primary references do not teach the use of membrane or permeate filters.

The secondary reference of Tatch et al., in the analogous art of dry cleaning, teaches methods of dry cleaning utilizing membrane filters (column 6, lines 35-50). It would be obvious to one of ordinary skill in the art at the time the invention was made to modify the primary references by incorporating the membrane filters taught by the secondary reference because Tatch et al. teaches the use of membrane filters to allow for the efficient removal of particulate matter from the wash liquor during dry cleaning. The burden is on the applicant to prove otherwise.

Claims 8,9,11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn et al. (US Patent 5,962,390) in view of Dickey (US 3,410,118) and Tatch et al. (US 5,431,827) and further in view of Krugmann (US 4,252,546).

The primary references of Flynn, Dickey and Tatch et al. are relied upon as set forth above. The primary references do not teach methods involving the solidification of water.

The secondary reference of Krugmann teaches methods of filtering out the water fraction of the cleaning solvent by condensing the water to ice crystal and floating the ice to a separating container (column 3 lines 1-10). It would be obvious to one of ordinary skill in the art at the time the invention was made to modify the primary references by incorporating the water condensation means taught by the secondary reference because the primary reference of Flynn invites the inclusion of a step in which "displaced water is separated from the liquid composition" (column 9, lines 62-65). The burden is on the applicant to prove otherwise.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amina Khan whose telephone number is (571) 272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

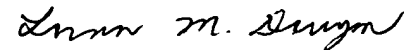
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1751

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Amina Khan
Patent Examiner
May 1, 2006


LORNA M. DOUYON
PRIMARY EXAMINER